

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-68-BO

YOLANDA IRVING, et al.,)
)
)
Plaintiffs,)
)
)
v.)
)
THE CITY OF RALEIGH, et al.,)
)
)
Defendants.)

**MOTION TO EXTEND THE CITY'S
TIME TO RESPOND TO PLAINTIFFS'**
MOTION TO COMPEL
(with Plaintiffs' consent)

Defendant City of Raleigh ("City"), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, respectfully moves the Court to extend the time for the City to respond to Plaintiffs' Motion to Compel Defendant City of Raleigh to Produce Documents [DE 148]. In support of this motion, the City shows the Court as follows:

1. This action was initially filed on February 2, 2022 [DE 2]. Plaintiffs filed their First Amended Complaint on May 16, 2022 [DE 41] adding Emancipate NC, Inc. as a plaintiff and their Second Amended Complaint on August 31, 2022, naming ten Raleigh Police Selective Enforcement Officers in place of the John/Jane Doe defendants [DE 93].

2. Discovery in this action has been bifurcated into two phases: the first addressing the Individual Defendants, and the second addressing the *Monell* claims against the City [DE 69]. The parties are currently engaged in Phase I discovery. Phase II discovery has not yet begun.

3. On December 19, 2022, Plaintiffs filed a Motion to Compel Defendant City of Raleigh to Produce Documents.

4. Pursuant to Local Rule 7.1(f)(2), the City's response to the motion to compel and accompanying documents are currently due on January 3, 2023.

5. Due to competing deadlines in other matters and the unavailability of City personnel due to December holidays, the City reasonably requires additional time to respond to the motion to compel, and respectfully requests an extension of the current deadline up to and including January 16, 2023.

6. The additional time would allow the City to prepare a more targeted response that will aid the Court's review of the issues presented.

7. This motion is being filed in good faith and not for the purpose of delay.

8. This matter has not been set for trial, and as such, granting this motion will not interfere with a scheduled trial date.

9. Pursuant to Local Rule 6.1, counsel for the City consulted with counsel for Plaintiffs regarding their position on this motion. Counsel for Plaintiffs consent to the requested extension.

10. The City respectfully submits that good cause exists for granting this extension motion based on the above-described circumstances.

WHEREFORE, the City respectfully moves the Court for an order extending the City's time to file its response to Plaintiffs' motion to compel, along with any accompanying documents, up to and including January 16, 2023.

Respectfully submitted, this the 30th day of December, 2022.

CITY OF RALEIGH
Robin L. Tatum, City Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sends notification of such filing to all counsel of record as follows:

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CITY OF RALEIGH
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